

1 William D. Hyslop
2 United States Attorney
3 Eastern District of Washington
4 Timothy J. Ohms
5 Assistant United States Attorneys
6 Post Office Box 1494
7 Spokane, WA 99210-1494
8 Telephone: (509) 353-2767

9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

2:18-CR-105-SAB

13 v.

Plea Agreement Addendum

14 AMANDA GAYLE FERGUSON,

15 Defendant.

16 Plaintiff, United States of America, by and through William D. Hyslop, United
17 States Attorney for the Eastern District of Washington; Timothy J. Ohms, Assistant
18 United States Attorney for the Eastern District of Washington; Defendant AMANDA
19 GAYLE FERGUSON and the Defendant's counsel, Lorinda Youngcourt, agree to the
20 following Addendum to the Plea Agreement:

21 This Addendum to the Plea Agreement is intended to comply with recent the
22 United States Supreme Court decision in *Rehaif v. United States*, 588 U.S. ____ (2019),
23 filed on June 21, 2019. In *Rehaif*, the Supreme Court held that the Government must
24 prove that a defendant knows of his/her status as a person barred from possessing a
25 firearm. *Id* at 1-2. The Supreme Court reasoned that the "defendant's status is the
26 "crucial element" separating innocent from wrongful conduct." *Id*.at 7. The Supreme
27 Court stated, "[w]e conclude that in a prosecution under 18 U.S.C. § 922(g) and
28 § 924(a)(2) the government must prove that the defendant knew he possessed a

1 firearm and that he knew he belonged to the relevant category of persons barred from
2 possessing a firearm.” *Id.* at 11.

3 On April 18, 2018, Defendant was indicted and charged with several criminal
4 offenses, including Felon in Possession of Firearm and/or Ammunition, in violation of
5 18 U.S.C. § 922(g)(1), (Counts 1, 2, 6, 9, 11). ECF No. 1. The Indictment did not
6 allege Defendant knew her status as a person previously convicted of an offense
7 punishable by a term of imprisonment exceeding one year, which barred her from
8 possessing a firearm and/or ammunition. On April 9, 2019, Defendant entered into a
9 plea agreement pursuant to which she pled guilty to charges that included Counts 6, 9,
10 and 11 of the Indictment, charging Defendant with Felon in Possession of a Firearm
11 and/or Ammunition, in violation of 18 U.S.C. § 922(g)(1). ECF Nos. 38, 40. The
12 elements of the offense for Counts 6, 9, and 11 did not include an element requiring
13 the United States to prove beyond a reasonable doubt that Defendant knew her status
14 as a person previously convicted of an offense punishable by a term of imprisonment
15 exceeding one year, which barred her from possessing a firearm and/or ammunition.
16 ECF No. 40 at 5-6.

17 Defendant is scheduled to be sentenced on October 18, 2019. ECF No. 50.
18 Defendant wishes to proceed with sentencing as scheduled. Defendant understands
19 that if she withdrew her guilty plea and proceeded to trial on Counts 6, 9, and 11 of
20 the Indictment, the United States would be required to obtain a Superseding
21 Indictment prior to trial that included an allegation that she knew her status as a
22 person previously convicted of an offense punishable by a term of imprisonment
23 exceeding one year and would be required to prove this fact beyond a reasonable
24 doubt at trial.


25 Defendant stipulates that the United States could prove this element beyond a
26 reasonable doubt as to each Count and that she, in fact, knew of her status as a person
27 that had previously been convicted of a crime punishable by imprisonment for a term
28 exceeding on year as to each Count, and is, therefore, guilty of the offenses alleged in

Counts 6, 9, and 11 of the Indictment to which she originally entered guilty pleas on April 9, 2019.

Approvals and Signatures

Agreed and submitted on behalf of the United States Attorney's Office for the Eastern District of Washington.

William D. Hyslop
United States Attorney




Timothy J. Ohms
Assistant U.S. Attorney

8-12-19

Date

I have read this Addendum to the Plea Agreement and have carefully reviewed and discussed every part of the agreement with my attorney. I understand and voluntarily enter into this Addendum to the Plea Agreement. Furthermore, I have consulted with my attorney about my rights, I understand those rights, and I am satisfied with the representation of my attorney in this case. No other promises or inducements have been made to me, other than those contained in the Plea Agreement and any written Addendums to the Plea Agreement and no one has threatened or forced me in any way to enter into this Addendum to the Plea Agreement.



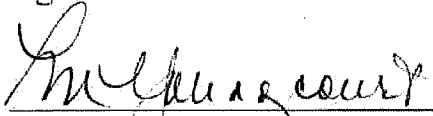
AMANDA GAYLE FERGUSON
Defendant

8-9-19

Date

I have read the Addendum to the Plea Agreement and have discussed the contents of the agreement with my client. The Plea Agreement Addendum accurately sets forth the additional terms and stipulations agreed by the parties. I concur in my

1 client's decision to maintain her guilty pleas as set forth in the Plea Agreement with
2 the additional terms and stipulations set forth in this written Addendum to the Plea
3 Agreement.

4 

5 Lorinda Youngcourt
6 Attorney for Defendant

8/9/2019

Date